

Attorney Docket No: 804-O P 710  
/179032



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application Of:

Honorio S. LUCIANO

APPLICATION NO.: 09/361,849

CONFIRMATION NO.: 6048

FILED: July 27, 1999

FOR: Surface Mount Electrical Device  
with Multiple PTC Elements

Examiner: Karl D. Easthom

Group Art Unit: 2832

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REPLY TO FINAL OFFICE ACTION OF JANUARY 23, 2003

MAIL STOP RCE  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Reply is being submitted along with: (1) Declaration of Honorio S. Luciano Pursuant to 37 C.F.R. § 1.131; (2) Request for Continuing Examination (pursuant to 37 C.F.R. § 1.114 ); (3) Petition for a Three Month Extension of Time under 37 C.F.R. § 1.136; and responds to the final Office Action mailed January 23, 2003. Currently, claims 1-9, 11, 23 and 24 are pending in the present Application.

Applicant wishes to note that the Declaration of Honorio S. Luciano Pursuant to 37 C.F.R. § 1.131 being submitted is **not** executed. However, the Declaration of Honorio S. Luciano is being submitted at this time in order to make a *bona fide* attempt to fully respond to the final Office Action mailed January 23, 2003. Applicant will supplement this Reply with the executed Declaration of Honorio S. Luciano shortly.

This Reply is also being submitted in a form required under 37 C.F.R. § 1.121. Accordingly, one (1) sheet containing the marked-up claims corresponding to the amended claims is attached hereto. Applicant respectfully requests reconsideration and allowance of the pending claims in the present Application in view of the amendments and remarks below.



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Re U.S. Patent Application of:  
Honorio S. LUCIANO

Application No.: 09/361,849

Confirmation No.: 6048

Filed: July 27, 1999

For: Surface Mount Electrical Device with  
Multiple PTC Elements

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) Examiner: Karl D. Easthom  
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)  
) Art Unit: 2832  
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AMENDMENT TRANSMITTAL

Mail Stop RCE  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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Transmitted herewith is an Amendment in the above-identified Application. Applicant is other than a small entity. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply. The shortened statutory period of response was set to expire on April 23, 2003. Applicant hereby petitions for an extension of time under 37 C.F.R. § 1.136 for a three (3) month extension of time. With this extension, the time to respond is now set at July 23, 2003. Enclosed is check No. 17848, which includes the sum of \$930 as the fee for the extension of time as well as \$750 as the fee for filing a Request for Continued Examination. The Commissioner is hereby authorized to charge any deficiencies in these fees to Deposit Account No. 23-0280. A duplicate copy of this sheet is attached.

No additional fee for the Amendment of the claims is required.

				Small Entity		Other Than Small Entity	
	Claims Remaining After Amendment	Highest Number Previously Paid For	Present Extra	Rate	Additional Fee	Rate	Additional Fee
Total	11	- 22	= 0	x \$ 9	\$	x \$ 18	\$
Independent	3	- 4	= 0	x \$ 42	\$	x \$ 84	\$
First Presentation of Multiple Dependent Claims				x \$ 140	\$	x \$ 280	\$
TOTAL ADDITIONAL FEE				\$00.00			

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-0280.  
A duplicate copy of this sheet is attached.

X Any filing fees under 37 C.F.R. 1.16 for the presentation of extra Claims.

Respectfully submitted,

Date: 7-23-03

By: Jeffrey R. Gargano  
Jeffrey R. Gargano, Reg. No. 38,148  
Wallenstein & Wagner, Ltd.  
311 S. Wacker Drive, 53rd Floor  
Chicago, Illinois 60606-6630  
312.554.3300

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**CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 23, 2003.

Linda K. Johnson  
Linda K. Johnson/179542.1



RCE/2800

PTO/SB/30 (05-03)  
Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request  
For  
Continued Examination (RCE)  
Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/361,849
Filing Date	July 27, 1999
First Named Inventor	Honorio S. Luciano
Art Unit	2832
Examiner Name	Karl D. Easthom
Attorney Docket Number	8040 P 710

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ikusa  
8/14/03

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☒ Affidavit(s)/ Declaration(s)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 23-0280
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other any deficit in the submitted fees

- b. ☒ Check in the amount of \$ 1,680.00 enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Jeffrey R. Gargano	Registration No. (Attorney/Agent)	38,148
Signature	<i>Jeffrey R. Gargano</i>	Date	July 23, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Linda K. Johnson	Date	July 23, 2003
Signature	<i>Linda K. Johnson</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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